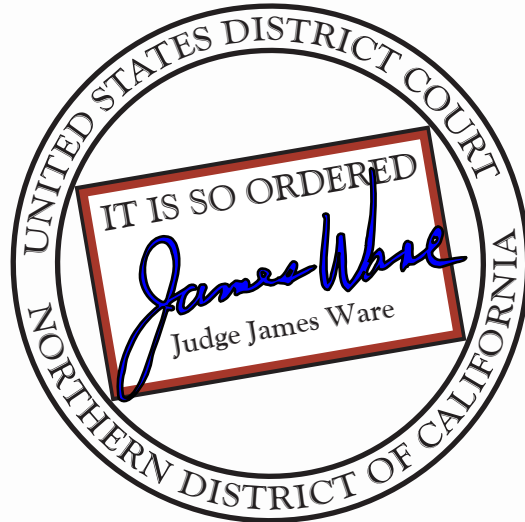


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JUAN GONZALEZ and RICARDO
MENDOZA, individually, and on behalf
of all others similarly situated,

Plaintiffs,

v.

DDR PARTNERS, INC. dba PACIFIC
ATHLETIC CLUB; WESTERN
ATHLETIC CLUBS, INC. dba PACIFIC
ATHLETIC CLUB and, DOES 1-10,

Defendants.

Case No. C 08 03814 JW

STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
MEDIATION

Civil Local Rule 7-12
ADR Local Rule 6-5

1 Plaintiffs Juan Gonzalez and Ricardo Mendoza ("Plaintiffs") and Defendant DDR Partners,
2 Inc. ("DDR" or "Defendant") (together as the "Parties"), through their respective counsel, hereby
3 stipulate and agree to the following:

4 1. The Parties have complied with the requirements of ADR L.R. 3-5 and participated
5 in an ADR Phone Conference with the Court's ADR office on December 5, 2008.

6 2. On January 29, 2009, the Parties filed a stipulation to mediate through the Court's
7 ADR program.

8 3. On February 6, 2009, the Court signed an order referring this matter to mediation.
9 The Order was not filed and entered in the Court's docket (and served via the ECF system) until
10 February 8, 2009. The Order stated, in part, "Deadline for ADR session - 90 days from date of
11 this order." Ninety (90) days following the February 8, 2009 filing date of the Order is Saturday,
12 May 9, 2009.

13 4. On February 19, 2009, the Court appointed Andria Knapp as the mediator. Since
14 the date of that appointment, the Parties have communicated with Ms. Knapp via both letters and
15 e-mail and participated in a pre-mediation telephone conference with Ms. Knapp pursuant to ADR
16 Local Rule 6-6.

17 5. Given the schedules of the Parties, their counsel and the mediator, as well as the
18 fact that Defendant was awaiting a ruling on its motion to dismiss and/or strike Plaintiffs'
19 Complaint and given the filing of Plaintiffs' First Amended Complaint by on April 6, the Parties
20 were and are unable to schedule their mediation to occur before the May 9, 2009 deadline. The
21 Parties also would have submitted this stipulation sooner, but believed that the mediator Ms.
22 Knapp had already requested an extension of the deadline through the Court's ADR office.

23 6. The Parties and the mediator have all agreed upon Wednesday, May 27, 2009 as
24 the mediation date and are scheduled to begin the mediation on that date at 10 a.m. at the offices
25 of Defendant's counsel in San Francisco. Therefore, the Parties hereby stipulate to extend the
26 mediation deadline in this case from May 9, 2009 to May 27, 2009 (a period of 18 days) and
27 request that the Court approve this extension.

28 ///

1 Dated: May 7, 2009

LAW OFFICES OF ADAM WANG

2 /S/

3 ADAM WANG
4 Attorneys for Plaintiffs

5 Dated: May 7, 2009

MORGAN LEWIS & BOCKIUS

7 /S/

8 ERIC MECKLEY
9 Attorneys for Defendants

10
11 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

12 The mediation in this matter shall be conducted on or before May 27, 2009.

13
14
15 Dated: May 12, 2009

16 
17 UNITED STATES DISTRICT JUDGE